

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

2.574 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND OCIEL
MENDOZA, *et al.*

Defendants.

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CASE NO. 7:20-CV-253

JOINT STIPULATION OF REVESTMENT

Plaintiff, the United States of America, and Defendants Ociel Mendoza and the Department of Treasury-Internal Revenue Service, do hereby stipulate to the revestment of interests taken in the Subject Property as described in the initial Declaration of Taking,¹ more specifically described in Schedule “E” of said Declaration of Taking filed herein in the real property identified as RGV-RGC-9000 and more particularly described in Schedule “C” and depicted in Schedule “D” of the Declaration of Taking. The parties further stipulate and agree as follows:

A. BACKGROUND

1. On September 1, 2020, the United States filed its Complaint in Condemnation² and Declaration of Taking³ for the taking of a fee simple interest in 2.574 acres of land identified as Tract RGV-RGC-9000 (hereinafter “Subject Property”), more or less, being

¹ Dkt. No. 2.

² Dkt. No. 1.

³ Dkt. No. 2.

out of a calculated 278.840 acres of land located in Starr County, Texas, all as more particularly described in the Complaint and Declaration of Taking filed in this matter.⁴

2. On September 1, 2020, the United States deposited into the registry of the Court its estimated just compensation in the amount of \$93,261.00 for the fee taking of the Subject Property.⁵ Pursuant to 40 U.S.C. § 3114(b)(1), the filing and the deposit immediately vested title to the Subject Property in the United States by operation of law.
3. The Declaration of Taking and Complaint in Condemnation acquired a fee simple interest in 2.574 acres of land and the United States has identified Defendant Ociel Mendoza (“Defendant”) as the sole owner of the interests acquired in the Subject Property.⁶ Department of Treasury-Internal Revenue Service has also been identified as an interested party in this action by virtue of holding a federal tax lien against Ociel Mendoza, personally.⁷

B. STIPULATION OF REVESTMENT

4. Pursuant to 40 U.S.C. § 3117, the United States may agree or stipulate to the revestment of condemned property to resolve condemnation cases.
5. The parties jointly stipulate and agree that all right, title and interest acquired by the United States associated with or appurtenant to the Subject Property hereby are **REVESTED** back to Defendant with all title and rights as they existed immediately before the filing of the Declaration of Taking and title vesting in the United States.
6. Defendant hereby agrees to accept such **REVESTMENT** of the Subject Property.

⁴ See Dkt. Nos. 1-2.

⁵ Dkt. No. 5.

⁶ Dkt. Nos. 35 & 35-1. Martha Mendoza, Ameida Salinas, Starr County Tax Assessor-Collector, Lone Star National Bank and International Bank of Commerce were also identified as interested parties in this action, however they executed disclaimers and were subsequently dismissed from this action. See Dkt. Nos. 9-12, 27-28, 33-34.

⁷ Dkt. No. 35 & 35-1.

7. The parties respectfully move this Court to disburse the funds deposited in the Registry of the Court, ninety-three thousand two-hundred sixty-one dollars and 00/100 (\$93,261.00), plus any accrued interest thereon, payable to the order of "F & A Officer, USAED, Fort Worth." The United States also respectfully requests that the check reference Tract. No. RGV-RGC-9000.
8. Defendant and Department of Treasury-Internal Revenue Service agree to waive any and all claims for compensation of any nature against the United States arising from the United States' acquisition of the Subject Property.
9. The parties will take no appeal from any rulings or judgments made by the Court in this action with regard to this Joint Stipulation of Revestment and the parties consent to the entry of all orders and judgments necessary to effect this Stipulation.
10. This joint stipulation is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of the parties.
11. The parties request that the Court enter an Order of Final Judgment reflecting this Stipulation and closing this case.

**FOR DEFENDANT OCIEL
MENDOZA:**

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**FOR DEFENDANT DEPARTMENT
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s/ David L. Guerra (with permission)

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Respectfully submitted,

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By: *s/ Alyssa Iglesias*

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CERTIFICATE OF SERVICE

I, Alyssa Iglesias, Assistant United States Attorney for the United States of America, do hereby certify that on September 23, 2021, a copy of the foregoing was served on all parties in accordance with Federal Rules of Civil Procedure.

s/ Alyssa Iglesias

ALYSSA IGLESIAS

Assistant United States Attorney